

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. On January 9, 2004, the Board clerk sent the petitioner a notice saying that the matter would not be reset unless and until the Board heard from the parties. The

parties were advised to keep the Board informed as to the progress of the case.

4. On November 11, 2004, DCF's attorney contacted the Board saying that nothing had been submitted by the petitioner and asking that the matter be brought forward for a resolution.

5. On November 30, 2004, the Board clerk wrote to the petitioner saying that unless he contacted the Board within ten days, it would be assumed that he did not wish to pursue the appeal and it would be marked as withdrawn.

6. The petitioner did not contact the Board and the matter was withdrawn.

7. On May 12, 2005, the petitioner asked that the matter be reopened.

8. A hearing was held on the request to reopen. At that time the petitioner claimed that he did not receive the ten-day letter and that it contained the wrong zip code. He said that he had asked his provider to send the new form long ago and thought he had done so. The child has not yet undergone any orthodontic treatment.

ORDER

The petitioner's motion is denied.

REASONS

The above appeal languished for almost eighteen months with no monitoring by the petitioner of its progress. The request to reopen the appeal is not based upon any claim of harm to the petitioner or lack of fairness which would result if the matter remains closed. The petitioner is free to ask his child's dentist to refile for orthodontic benefits again at any time. The petitioner can then provide the detailed information to DCF which his dentist failed to do before. If the petitioner is not satisfied with the result on reapplication, he can file another appeal. Fair Hearing Rule No. 1.

The petitioner is in no way prejudiced by his prior appeal remaining in a closed status. His child has not received orthodontic services during the interim for which he seeks reimbursement. In addition, the eligibility of his child for services would best be served by his obtaining current information on his child's orthodontic situation and filing a new request, not by relying on a form which, if it ever was filled out, is now likely more than a year old.

Therefore, this appeal should not be reopened and the petitioner's recourse is to reapply for benefits.

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